Mr. K. R. Narayana Aiyar: (a), (b) and (c) Representations were received from the inhabitants of Vaikom taluk pointing out the necessity for a Veterinary Hospital. Government have accordingly opened a hospital at Thalayolaparambu, Vaikom taluk.

LEGISLATIVE BUSINESS

Mr. G. Narayana Aiyar (*Nominated*): Sir, I move—

"That this House do agree to the motion of the Assembly that the Travancore Disposition of Property Bill be referred to a joint committee of both the Houses."

The Bill which has been introduced in the Assembly as well as that before this House relate to the same facts. It would be better to have both the Bills discussed in the Joint Committee of both the Houses.

Mr. N. Veeriah Reddiar (*Commerce and Industry, North*): I second it.

The motion was put and carried.

THE TRAVANCORE KAMMALA (VISWAKARMA) BILL.

Mr. M. Govindan (*Nominated*): Sir, I move that the Travancore Kammala Bill be read in the Council.

Mr. G. Madhavan (*Karunagapalli, Karthikapalli and Ambalapuzha cum Shertallai*): I second it.

President: Mr. Velu Asari who has been rather a doughty champion of this Bill has written to me as follows:—"As I am unable to attend the Council due to headache and toothache I request that the introduction of the Bill may be postponed." Does the House want the introduction to be postponed?

The question that the introduction of the Bill be postponed was put and lost.

Mr. M. Govindan: This Bill has a very long career. It was about ten years ago that the Bill was first introduced into the House. It was then referred to the Select Committee, but unfortunately before the Select Committee could meet, the Assembly was dissolved. When the Assembly met again the Bill was introduced and it so happened that it was referred to the Select Committee. The Select Committee's report was an elaborate one and was made after amending a number of clauses and ascertaining the wish of the community. The necessity for the Bill has therefore arisen.....

Mr. G. Ravi Varma (*Trivandrum and Nedumangad cum Chirayinkil*): May I know whether the honourable member has any objection to include the wards "Viswakarma" in the title of the Bill?

Mr. M. Govindan: I have no objection at all. In fact that was a mistake.

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President : As a matter of fact honourable members will remember that after a rather impassioned speech by Mr. Velu Asari on the last occasion, I said it could be "Kammala (Viswakarma) Bill" or "Viswakarma (Kammala) Bill" or "Viswakarma" on the top and "Kammala" at the bottom. (Laughter). I said that I had no objection provided his sentiments were satisfied. It is for the House to decide which way they will have the title of the Bill

Mr. M. Govindan : It was a slip that the title was not printed as "The Travancore Kammala (Viswakarma) Bill".

President : Has anybody suggested that it should be "Viswakarma (Kammala) Bill"?

Mr. M. Govindan ; No, Sir. After a long career the Bill has again been introduced. There is the benefit of the report of the Select Committee ; we have also had the benefit of the examination of witnesses. The only thing is that the principle of the Bill is to be accepted and the Bill has to be passed into Law. In fact, in no two taluks was the custom of inheritance, succession, etc., the same, and therefore it was found that Administration of Justice was very difficult in the case of this community and hence the Bill was a sheer necessity for establishing a uniform custom. The community consists of two sections.—the Tamil Kammalas and the Malayala Kammalas.—The Tamil Kammalas do not want a Bill because they are governed by the Mithakshara Law, pure and simple. Even in that they wanted some changes, but we are not concerned with that now as this Bill is confined purely to Malayala Kammalas who follow the Mithakshara Law with some changes. The changes have all been noted in this Bill after elaborate enquiry and there cannot be any possible objection to the adoption of this Bill.

Mr. K. A. Raman Pillai : As I understood from the mover of the Bill, this Bill has a long and chequered career. It was first introduced into the Assembly in 1112 and 8 years have now elapsed ; yet we are still at the stage of introduction. It seems that the Bill lapsed on two prior occasions on account of the dissolution of the Assembly. At the second time when the Bill was introduced, it was referred to a Select Committee and the Select Committee made an elaborate enquiry, collected evidence, examined witnesses, and the evidence collected disclosed that there were two sections of the Kammalas,—the Tamil Section and the Malayala Section. The Tamil Section follows the Hindu Mithakshara Law and they do not want any other Law to govern them with regard to succession or marriage etc. The Malayala Section follows some sort of customary Law which, varied from place to place, and may I say, from individual to individual. It is therefore only in the

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[Mr. K. A. Raman Pillai.]

fitness of things that there should be the necessary legislative enactment for the Malayala Kammalas to govern them in regard to matters relating to succession, marriage etc. It is apprehended in some quarters that the promulgation of the enactment will create a gulf between the Malayala Kammalas and Tamil Kammalas. As a matter of fact, it will be seen from the available statistics that the Tamil Kammalas form only a minority and that they do not want any Law as far as inheritance, marriage, etc. About 95 per cent of the Kammalas come under the Malayala Section. All the other advanced communities have codified Law to govern them and it is only proper that the Kammalas are also given the benefit of a codified Law. It seems there is some sort of objection with regard to the name of the Bill. That objection is overcome because within brackets I find the words "Viswakarma". As a matter of fact, even that objection, I think, is not a reasonable objection. From the Census Report it will be seen that only five thousand or so of the Kammalas would like themselves to be called "Viswakarmas". All the remaining two lakhs wish to be called by the name Kammalas only.

President: There is some controversy.

Mr. K. A. Raman Pillai: Yes, Sir. But that objection is now overcome. In order to satisfy those people who wanted the name 'Viswakarma' the word "Viswakarma" is added within brackets. I do not mean to say that there should not be any amendment to the Bill. For example, I may at once refer to Section 29 of the present Bill. Section 29 deals with the Stridhanam for unmarried daughters. There, the Stridhanam is fixed as half the share of a son or Rs. 500 whichever is less. I for a moment do not understand why a maximum limit has been prescribed for Stridhanam in the case of unmarried daughters. Whatever be the status of the intestate, whether he is very rich,—worth even lakhs of Rupees,—even then his daughter is entitled to get only Rs. 500 as Stridhanam. I think this is not equitable. I only point out this in order to show that the Bill requires amendments. I have nothing more to add at present. With these observations, I have great pleasure in supporting the Bill.

Mr K. G. Narayana Panikkar (*Mavelikarai and Tiruvella cum Pathanamthitta*): കമ്മാള സമുദായത്തിനു ഒരു ബിൽ വേണമെന്നുള്ള തത്വത്തോട് ഞാനും യോജിക്കുന്നു. എന്നാൽ ഇപ്പോൾ അസംബ്ലിയിലും കൗൺസിലിലും അവതരിപ്പിച്ചിട്ടുള്ള പല ബില്ലുകളെയും പറ്റി ആലോചിക്കുമ്പോൾ—നാടാർബിൽ, തച്ചർ ബിൽ, മുതലായ ബില്ലുകളെപ്പറ്റിയാണു ഞാൻ പരാമർശിക്കുന്നതു—ഹൈന്ദവമതവിശ്വാസികളിൽ ഉൾപ്പെട്ടിട്ടുള്ള സമുദായങ്ങൾക്കു മാത്രമേ

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ന്നിനും പ്രത്യേകം പ്രത്യേകം ബില്ലുകൾ ഉണ്ടാക്കി സാമുദായികമായ വ്യത്യാസം പരിപാലിക്കത്തക്കവണ്ണം നിയമനിർമ്മാണം ചെയ്യുകയാണോ വേണ്ടതു്, അതോ സൗകര്യമുള്ള പക്ഷം ബില്ലുകൾ ഇല്ലാത്ത എല്ലാസമുദായങ്ങൾക്കുംകൂടി ഏകീകരണം അനുവദിക്കുന്ന നിലയിൽ ഒരു കോഡിഫിക്കേഷൻ ഉണ്ടാക്കുന്നതിലേക്കായി പ്രവർത്തിക്കുകയാണോ വേണ്ടതു് എന്നകാര്യം ബഹുമാനപ്പെട്ട സഭയുടെ ചിന്തയ്ക്കു വിഷയീഭവിക്കണമെന്നാണെന്റെ അഭിപ്രായം. സർ, ക്ഷേത്രപ്രവേശനവിളംബരം പ്രഖ്യാപനംചെയ്തിട്ടുള്ളതുതന്നെ വിവിധഹൈന്ദവ സമുദായങ്ങൾക്കു സംഘടനയും ഏകീകരണവും തൻമൂലം യോജിപ്പുംഉണ്ടാകണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു്. എന്റെ ബഹുമാന്യസ്നേഹിതനായ മി. ഗോവിന്ദൻ ഏകജാതി, ഏകമതം, ഏകദായക്രമം എന്ന തത്വമനുസരിച്ചു ജീവിക്കുന്ന ഒരാളാണെന്നാണു് എന്റെ വിശ്വാസം.

ശ്രീമൂലം പ്രജാസഭയുടെ കാലം തുടങ്ങി പ്രക്ഷോഭണം നടത്തിവന്നതിന്റെ ഫലമായി ഒരു ബിൽ രൂപേണ അവതരിപ്പിച്ചിട്ടുള്ള ഇതിലെ തത്വത്തിനെപ്പറ്റിയൊ ഇതിന്റെ പ്രായോഗികവശങ്ങളെപ്പറ്റിയൊ സംസാരിക്കുന്നതു് വ്യർത്ഥമായിരിക്കുമെന്നു് എനിക്കറിയാം. എന്നാലും ഓരോ സമുദായത്തിനും പ്രത്യേകം അതിരു തിരിക്കുന്നതു് ശരിയാണൊ, അതോ മഹനീയമായ ക്ഷേത്രപ്രവേശനവിളംബരതത്വത്തെ പരിപാലിക്കുകയാണൊ വേണ്ടതു് എന്നു് നാം ഗാഢമായി ആലോചിക്കേണ്ടതാണു്. ഈ മൂന്നു ബില്ലുകളിൽനിന്നും ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിന്റെ ശ്രദ്ധക്കു ഏതാനും ചില കാര്യങ്ങൾ ഇവിടെ പറഞ്ഞുകൊള്ളട്ടെ.

അസംബ്ളിയിൽ അവതരിപ്പിച്ച തച്ചർ ബിൽ, നാടാർ ബിൽ എന്നിവയും കൗൺസിലിലെ കമ്മർഷ്യൽ ബില്ലും .....

Mr. M. Govindan : തച്ചർ ബില്ലും നാടാർ ബില്ലും ഈ ബില്ലുമായി വല്ല സംബന്ധവും ഉണ്ടോ?

Mr. K. G. Narayana Panikkar ഓരോ ബില്ലിനെപ്പറ്റിയും അല്ലാ ഞാൻ പറഞ്ഞതു്. ഈ മൂന്നു ബില്ലിലും അടങ്ങിയിരിക്കുന്ന തത്വത്തെപ്പറ്റിയാണു്, അതായതു് ഈ മൂന്നു ബില്ലുംകൂടി ഏകീകരിക്കാൻ സാദ്ധ്യമാണോ? ഈ മൂന്നു ബില്ലുകളെപ്പറ്റിയും ഒന്നിച്ചു ആലോചിക്കുവാൻ കഴിയുകയില്ലയൊ എന്നുള്ളതു് ആലോചിക്കുവാൻ മാത്രമാണു്. ഞാൻ ഈ മൂന്നു ബില്ലുകളും വായിച്ചു നോക്കി. ബഹുമാനപ്പെട്ട മറുമെംബർമാരും അവ വായിക്കണമെന്നു് ഞാൻ അപേക്ഷിക്കുന്നു. ഈ മൂന്നു ബില്ലുകളും വായിച്ചുനോക്കുമ്പോൾ നായർ

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[Mr. K. G. Narayana Panikkar.]

ഞാക്റിലെ പല വകുപ്പുകളും നമ്മുടെ കാമ്മയിൽ വരുന്നതാണ്. ഈ ബില്ലിനെ സംബന്ധിച്ചിടത്തോളം അവശ്യം ചില ഭേദഗതികളൊട്ട കൂടിയാണ് എല്ലാ വകുപ്പുകളും ചേർത്തിട്ടുള്ളത്. മരുമക്കത്തായമനുസരിച്ച് പ്രത്യേകം നിയമങ്ങളും നമ്മുടെ രാജ്യത്തുണ്ടായിട്ടുണ്ട്. മദ്രാസിൽ ഏകമരുമക്കത്തായ നിയമം ഇന്നു നിലവിലിരിക്കുന്നു. ഈ ബില്ലിലെ പ്രധാന തത്ത്വങ്ങൾ നോക്കുന്നപക്ഷം വിവാഹം സുസ്ഥിരമാക്കുക, മൈനറുടെ രക്ഷയ്ക്കുള്ള വ്യവസ്ഥകൾ ഉണ്ടാക്കുക, ഇങ്ങനെയുള്ള പൊതുനന്മയെ പുരസ്കരിച്ച് ബില്ലിൽ വ്യവസ്ഥചെയ്യുന്നതായാൽ ഒരു പുലയനോ കമ്മാളനോ മറ്റു ന്യൂനപക്ഷ സമുദായക്കാർക്കോ യോജിച്ചു നിൽക്കാൻ സാധിക്കാത്ത കാരണമെന്താണെന്നാണ് എന്റെ സംശയം. ഹിന്ദുവിഭാഗങ്ങളിൽപ്പെട്ട സകലവർഗ്ഗക്കാരേയും ബാധിക്കത്തക്കവണ്ണം നിയമത്തിനു ഒരു ഏകീകരണം ഉണ്ടാക്കണമെന്നാണ് എനിക്കു നിർദ്ദേശിക്കുവാനുള്ളത്.

Mr. G. Nilakantan (*Co-opted*) : ഹിന്ദുക്കൾക്കെല്ലാം പേക്കുടി കരൊറബിൽ ഉണ്ടാക്കണമെന്നാണോ ബഹുമാനപ്പെട്ട മെമ്പറിന്റെ അഭിപ്രായം ?

Mr. K. G. Narayana Panikkar: എന്റെ ഉദ്ദേശപരമായ അഭിപ്രായം അതുതന്നെയാണ്. എന്നാൽ അതു കമ്മാളബിൽ എന്നുള്ള പേരിലല്ലാതെ അതായത് "കമ്മാള" എന്നുള്ള പദത്തിനു പകരം "ഹിന്ദു" എന്ന പദം ചേർത്ത് ആയിരിക്കണമെന്നാണ്. ഹിന്ദുക്കളിൽപ്പെട്ട സകല അവാന്തരവിഭാഗങ്ങളേയും ഏകോപിപ്പിക്കുന്ന ഒരു നിയമമാണ് നമുക്ക് ആവശ്യമായിട്ടുള്ളത്. നിയമജ്ഞനും ഭരണശാസ്ത്രനിപുണനുമായ നമ്മുടെ അദ്ധ്യക്ഷൻ അവർകളും ഈ ഭരണകാലത്തുതന്നെ ഹിന്ദുസമുദായങ്ങൾക്ക് യോജിച്ചു നിൽക്കാൻ കഴിയത്തക്കവണ്ണം ഒരു പൊതുനിയമം ഉണ്ടാക്കി തിരുവിതാംകൂറിനെ ഒരു മാതൃകാ രാജ്യമാക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഹിന്ദുക്കളിൽപ്പെട്ട ഓരോ വർഗ്ഗക്കാർക്കും ഓരോ ബിൽ ഉണ്ടാകുന്നതുകൊണ്ട് എന്നും അഭിപ്രായവ്യത്യാസങ്ങളും ക്ഷോഭങ്ങളും ഉണ്ടാകാനെ തരമുള്ളൂ. അതുകൊണ്ട് കമ്മാളബിൽ എന്നുള്ളതിനുപകരം ഹിന്ദുബിൽ എന്നാക്കി പാസാക്കണമെന്ന് അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു. ഹിന്ദുക്കൾക്കു പൊതുവായി ഒരു ഹിന്ദു കോഡ് ഉണ്ടാക്കുന്നവിഷയത്തിൽ, തിരുവിതാംകൂർ അന്യരാജ്യങ്ങൾക്കു മാതൃകയായിത്തീരണം. ക്ഷേത്രപ്രവേശനത്തിന്റെ അടുത്തപടി, ഹിന്ദുക്കൾക്കു ഏകനിയമം ഉണ്ടാക്കുക എന്നുള്ളതാകുന്നു.

Mr. G. Ravi Varma: Is the honourable member opposing the Bill or supporting it ?

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Mr. K. G. Narayana Panikkar : It is my right.....

President : He is opposing the Bill because this is a fragmentary bill and is not called for. I take it that that is your point.

Mr. T. M. Chidambarathanu Pillai (*Thovala* cum *Agasteeswaram*) : This Act is a social legislation to be passed for a community and the Bill is introduced by a member not belonging to that community. In passing a social legislation we have to respect and regard the wishes and consent of the people of the community.

We understand that there is a difference of opinion between the Tamil Kammalas and the Malayala Kammalas in being included in the Act.

President : I think there is some mistake there. There was no doubt some difference of opinion between two branches of the Malayala Kammalas, but that difference was largely centred upon the designation of the community, as Viswakarmas or Kammalas. So far as I could gather from the very long and rather excited speeches of the protagonists and the antagonists on this matter, there was no other point of controversy. The Tamil Kammalas follow the Mitakshara law. This Bill seeks to affect only the Malayala Kammalas and those who have entered into marital relations with the Malayala Kammalas. I do not think that it would be correct to say that there is difference of opinion between the Tamil and the Malayala Kammalas, because the Tamil Kammalas decline to have anything to do with this Bill.

Mr. T. M. Chidambarathanu Pillai : So far as I understand there is relationship of the Tamil and Malayala Kammalas in regard to marriages, there are marriages taking place between them. In regard to marriages and laws of inheritance, there is some difference of opinion. So far as the Tamil Kammalas are concerned, my serious view which I wish to place before the House, is that the member who brings forward this legislation should try to put in the ideas of the Tamil Kammalas also.

President : I think that the one follows the patriarchal system and the other follows the matriarchal system. The Tamil Kammalas follow the Mithakshara or the patriarchal system where the father is the root or origin of the family. In the other system the mother is the origin of the family. It would be difficult in one bill to include provisions in respect of both the communities.

Mr. T. M. Chidambarathanu Pillai : But my friend Mr. Govindan was telling us that except with regard to certain aspects there is not much difference. The Malayala Kammalas also follow the Mithakshara law with certain modifications, especially with regard to marriages. So my submission is that so long as they say that they follow the Mithakshara Law in certain aspect, why should certain persons be precluded from this Bill?

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Mr. M. Govindan: May I inform the honourable member that one hundred and odd Tamil Kammalas were examined by the Select Committee and that not one of them wanted that this law should apply to them.

Mr. T. M. Chidambarathanu Pillai: Their only intention is that they should not be excluded from this Bill. As I understand from Mr. Velu Asary, one of the prominent members of the community, we are passing an Act behind the back of the community which is not represented here. We may say that the one hundred and odd people are not convinced of the right of this law and that is why they did not want to come within it.

Mr. G. Nilakantan: May I inform the honourable member that one Mr. Janardanan Asary represented the community in the Select Committee as well was in the Assembly. Therefore it will be seen that opportunity was given to the community to represent their views.

Mr. T. M. Chidambarathanu Pillai: But we have not been provided with any report of the Committee. We only know that the Bill is introduced by Mr. Govindan who is not a member of that community and that he says that the Malayala Kammalas alone want to have a Bill of this kind. What I understand from the other section of the community *i. e.* Tamil Kammalas is that, they are willing to have this bill itself with certain modifications to suit their interests. I am not for excluding that section of the community. The name Viswakarma is a commonname affecting both the Malayala and Tamil Kammalas.

President: That was the reason why I suggested to give the name of Viswakarma first and Kammala as the second.

Mr. T. M. Chidambarathanu Pillai: I am not opposing this measure. We should not exclude certain classes of people who follow the Mitakshara law with certain modifications. That section of the Kammalas do want a legislation just to have a legal recognition to their customs.

Mr. G. Nilakantan: May I refer the member to sub-section 3 of the bill which says that the bill applies to all Kammalas domiciled in Travancore.

Mr. T. M. Chidambarathanu Pillai: To exclude certain classes of Kammalas is a proposition which I do not accept. Therefore it is better if this bill is considered in the presence of Mr. Velu Achari who represents that section of the community.

Mr. K. G. Narayana Panikkar: May I know the approximate number of Kammalas who may be excluded from the purview of the bill according to the member?

Mr. T. M. Chidambarathanu Pillai: I am not aware.

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Mr. G. Nilakantan: Sir, there is absolutely no difference of opinion with reference to the main provisions of the bill. The only objection of Mr. Velu Achari was with regard to the name of the bill and also the exclusion of Tamil Kammalas from the operation of the bill. Out of 412 witnesses examined by the Select Committee, 147 persons were Tamilians and they in a body said that they did not want a bill. Not only that, they have held meetings all over Travancore and in a meeting held under the presidency of the Deputy President Mr. Chattanatha Karayalar they made a statement before him that they differed from the Malayala Kammalas in dress, manners, customs and the law of inheritance and so forth. Therefore they do not want any law enunciated for them. They also laid stress on the fact that they had marital relations with British Kammalas in Travancore.

Mr. T. M. Chidambarathanu Pillai: Has not the honourable member himself connection with Tamil Kammalas in Travancore ?

Mr. G. Nilakantan: That is an extraordinary affair and personal matters need not form the subject matter of discussion here. I know as a matter of fact that Malayala and Tamil Kammalas have been living together for thousands of years and not one marriage has been effected between them till now. I have not the slightest objection to include any body of persons in the Bill. But when a community says that they do not want to come within the purview of the bill there is no meaning in asking them to come in.

As regards the observations of Mr. Panickar, I have only to recall the observations made by an honourable member in connection with the Sagotra Bill under consideration in the Central Assembly namely, when something good has to be done, the devil suggests its reference to some committee or some imaginary law as is enunciated by my honourable member. It is suggested only as an obstacle. I am sure if a Hindu bill is brought in, there will be considerable difficulties and I know it will be stoutly opposed by what are called Sanatanists, pseudo Sanatanists and the intellectuals. Sanatanists would not like any change and the pseudo-sanatanists will be satisfied with the interpretation of the texts by the courts ; yet would not favour a change on account of self interests. As far as intellectuals are concerned, they will say the bill does not go far enough. So all things considered, it is an impracticable affair. The suggestion of Mr. Panickar is put in as an obstacle like the letter of Mr. Velu Achari asking to postpone the bill.

As regards the name of the bill, the Census Report of 1944 is quite clear, and I have not the slightest objection to put any name to the bill. The only point is that this bill has to be passed because

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[Mr. G. Nilakantan.]

in the Sri Mulam Popular Assembly. The Government took two years to make enquiries about it in the taluks, pakuthies and so forth. The Division Peishkars reported that the bill was necessary for the community. After all these efforts for over 18 years, to say that this bill should be postponed for some imaginary cause passes my comprehension. So I pray that this House would proceed to consider the bill straightaway.

Mr. A. N. Satyanesan: സർ, ബഹുമാന്യമെമ്പരായ മി: ഗോവിന്ദൻ അവതരിപ്പിച്ച കമ്മാളബില്ലിനെ പരാമർശിച്ച്, അതിനെ അനുകൂലിച്ചുകൊണ്ട് ചില സംഗതികൾ സൂചിപ്പിക്കുവാനാണ് ഞാൻ ആഗ്രഹിക്കുന്നത്. സുദീർഘമായ പ്രചരണങ്ങൾക്കും കഴിഞ്ഞശേഷം ഇപ്പോൾ പരിശോധനയ്ക്കു വന്നിട്ടുള്ള ഒരു ബില്ലാണിത്. പത്രങ്ങളിലും, സമുദായ മദ്ധ്യത്തിലും, നിയമസഭാ വേദികളിലും ഇതിൽപരം കുലങ്കഷമായി ചർച്ചചെയ്തിട്ടുള്ള മറ്റു ബില്ലുകൾ ഉണ്ടോ എന്നുള്ളതു സംശയകരമായിട്ടുള്ള വസ്തുതയാണ്. ദീർഘ കാലങ്ങളായി ഒരു പ്രധാന ന്യൂനപക്ഷ സമുദായം അഭികാംക്ഷിച്ചു കൊണ്ടിരിക്കുന്ന ഒരു ബില്ലുമാണിത്. ന്യൂനപക്ഷ സമുദായങ്ങളുടെ മദ്ധ്യേ ശൈഥില്യംഭവിച്ച് അതിന്റെ ശക്തി തുലോം ക്ഷയിച്ചുകൊണ്ടു പുരോഗതിയടയുവാൻ നിവർത്തിയില്ലാതെ വിഷമിച്ചു കഴിയുന്ന ചുരുക്കം ചില സമുദായങ്ങളിൽ ഒന്നാണ് കമ്മാളസമുദായം. ഒരു സമുദായത്തിന്റെ സംഘടന കേന്ദ്രീകരിച്ച്, അതിന്റെ ശക്തി പുരോഗമിപ്പിച്ച്, അതിന്റെ പ്രാപ്തി വിപുലമാക്കി, സമുദായമദ്ധ്യത്തിനും രാഷ്ട്രത്തിനും വേണ്ടി പ്രയോജനകരമായ സേവനം നിർവ്വഹിക്കുന്നതിന് ഇത്തരം സമുദായങ്ങൾക്കു പ്രത്യേക ബില്ലുകൾ അവയുടെ സ്വയം നിർണ്ണയാവകാശത്തിൽ സംസ്ഥാപിതമാക്കേണ്ടതുണ്ട്, അതിലേയ്ക്കായി അവയ്ക്ക് അവസരം നൽകേണ്ടതു്, ഗവണ്മെന്റിന്റേയും, ഇതര സമുദായങ്ങളുടേയും അപരിത്യാജ്യമായ ഒരു കർത്തവ്യം മാത്രമാണ്. ഈ ബിൽ സംബന്ധിച്ച് അടുത്ത കാലത്തു ചില സംശയകരമായിട്ടുള്ള വിഷയങ്ങൾ ആവിർഭവിച്ചിട്ടുള്ള വസ്തുത ഞാൻ വിസ്മരിക്കുന്നില്ല. ഹൈന്ദവസമുദായങ്ങൾക്കു പൊതുവായിട്ടുള്ള ഒരു സംഘടനയുടെ ആവശ്യം പ്രമാണിച്ച് പൊതുവായ ഒരു ബിൽ ആവശ്യമായിരിക്കേ ഇത്തരം ചില ബില്ലുകൾ വെവ്വേറെയായ സമുദായങ്ങൾക്കും കാലാകാലങ്ങളിൽ അവതരിപ്പിച്ച് അസഹ്യതയുണ്ടാക്കുന്നതു ശരിയാണോ എന്നുള്ളതാണ് ഇപ്പോൾ പൊന്തിവന്നിട്ടുള്ള ഒരു പ്രശ്നം. ഇതു് ആലോചനാമൃതമായിട്ടുള്ള ഒരു വസ്തുതയാണ്. ഏതാനും സമുദായങ്ങൾക്ക് ബില്ലുകൾ ഉണ്ടാകയും മറ്റു സമുദായങ്ങൾ ബിൽ ഇല്ലാതെ

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ന്യൂനപക്ഷസമുദായങ്ങൾക്കു പ്രത്യേകം പ്രത്യേകം ബില്ലുകൾ ഉണ്ടാക്കി അവരുടെ സ്വന്തം കാലിൽ നിലകൊള്ളാൻ അവസരം ഉണ്ടാക്കുന്നതു നിമിത്തം ഒരു ബില്ലുകൾ ഉണ്ടാക്കുന്നതിന് എന്താണ് മാർഗ്ഗതടസ്സം എന്നു ഞാൻ എന്റെ ബഹുമാനപ്പെട്ട സുഹൃത്തിനോട് ചോദിക്കുന്നു. ഇതിന് യാതൊരു തടസ്സവും അവശേഷിക്കുന്നില്ലെന്നാണ് ഞാൻ പൂർണ്ണമായി വിശ്വസിക്കുന്നത്. ഹൈന്ദവർക്കു പൊതുവായും ക്രൈസ്തവ സമുദായത്തിന് പൊതുവായും, മുസ്ലീം സമുദായത്തിനു പൊതുവായും ബില്ലുകൾ അവതരിപ്പിക്കുകയും, എല്ലാ സമുദായങ്ങളേയും ഏകീകരിക്കുകയുമാണ് ഒരു അതിർവരമ്പ് ഉണ്ടാക്കുകയും ചെയ്യുന്നതു നല്ലതാണ്. ആ ഒരു സുവർണ്ണദിവസം എത്രയും വേഗത്തിൽ നമുക്ക് ആകാംക്ഷിക്കാവുന്നതാണ്. അതേ സമയത്തു് ഈ ന്യൂനപക്ഷ സമുദായങ്ങൾ ആ കാലംവരെ കാത്തിരിക്കണമെന്നു ചില സമുദായങ്ങളോട് മാത്രം പറയുന്നതു ന്യായീകരിക്കുന്നതാകയില്ല എന്നു ഞാൻ ചോദിക്കുന്നു. ഈ ബില്ലിനെ സംബന്ധിച്ചുണ്ടെങ്കിൽ അതിന്റെ തടസ്സങ്ങൾ മുഴുവൻ നീങ്ങി സമുദായം ആശയോടുകൂടി പ്രതീക്ഷിച്ചുകൊണ്ടിരിക്കുകയാണ്. ചില്ലറ തടസ്സങ്ങളെ ആസ്പദമാക്കി ഇത്രയും അവസരം നഷ്ടപ്പെടുത്തുന്നതു നമുക്ക് ഒരിക്കലും ന്യായീകരിക്കാവുന്ന ഒന്നല്ല. അതുകൊണ്ട് ഈ ബിൽ എത്രയും വേഗം പ്രയോഗികമാക്കത്തക്കവണ്ണം ഐകകണ്ഠ്യേന പാസ്സാക്കുകയാണ് നമ്മുടെ സർവ്വതോമുഖമായ കർത്തവ്യമെന്നു ഞാൻ അനുസ്മരിപ്പിച്ചു കൊള്ളട്ടെ.

Mr. G. Madhavan: Sir, in supporting the bill I would like to bring to the notice of the House one or two facts. My friend Mr. Panicker was of the opinion that there should be some law which could be made uniformly applicable to all the sections of Hindus. Nobody has yet expressed any intention of moving a bill to include all the communities for which there is no law at present. That is only a thing of remote possibility. The important communities have their own laws and so it is only in the fitness of things that the Kammala Community too should have the benefit of a bill for their own good. Another favourable point is that they were agitating for a law for the last 18 years. This House is aware that the Nair Act was passed in 1100, the Ezhava Act in 1101 and the agitation of the kammala community began, if I am correct, in 1102. It is a very pitiable thing to deny them the benefit of the community law till now, even though the Nair and Ezhava Acts were in force for the last 20 years. So long as the

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[Mr. G. Madhavan]

community laws are in existence, it is only reasonable that this community also is given the benefit of a communal law. Again the courts in the land find it very difficult to decide points arising out of the custom of the community. As far as possible the community is following Mithakshara law with certain customary changes. What the customs are will depend upon the evidence let in by each party. It may vary in different places and the Courts find it very difficult in administering the law, because there is no uniformity of law to guide them. Since the parties are not in affluent circumstances they find it difficult to take the cases to the appellate Court to get a final ruling. So it is very desirable that this House pass this legislation for the community, so that their grievances may be redressed as early as possible. With these observations I strongly support the Bill.

President: The question before the House is that the Bill be considered.

The motion was put and carried.

Secretary: The short title of the Bill shall be "The Travancore Kammala (Viswakarma) Bill".

Mr. M. Govindan: Sir, I move that the Bill be taken into consideration

President: In the first place the honourable member is expected to move for the appointment of a Select Committee unless he wants me to suspend the Standing Order. What do you want?

Mr. M. Govindan: I request the Chair to suspend Standing Order No. 32 in view of the fact that the Bill has already gone to a Select Committee and the Select Committee has reported on it. There is an elaborate report before us and there also we have got a number of changes introduced after the examination of a large number of witnesses. In view of the special circumstances of this Bill and the very long consideration it has received at the hands of previous Houses of the Legislature, I respectfully request the President.....

President: Before I make up my mind on that question I would like to be guided by the wishes of the House. The honourable member has stated that having regard to the fact that the Bill has gone to a Select Committee and that this House has considered the matter in all its aspects, I should suspend the Standing Order. Mr. Legal Remembrancer, have you anything to say?

Mr. N. Ramakrishna Pillai: It is open to the House to decide whether we should go on with the Bill or not.

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President : It is entirely left to me to suspend the Standing Order. But I do not propose to exercise a discretion except after taking the general view of the House

Mr. N. Ramakrishna Pillai : Mr. Velu Asary, the Co-opted member is not present. I do not know whether that matter should not be taken into consideration in deciding whether the Standing Order should be suspended or not. That is the only relevant consideration in deciding whether the Standing Order should be suspended or not.

President : I would like to have the opinion of any honourable member.

Mr. G. Ravi Varma : In view of the fact that Mr. Velu Asary is not present today, I think it is better to refer the matter to a Select Committee. Moreover.....

President : There are two possible ways ; either refer it to a Select Committee or adjourn the matter for the next session, when Mr. Velu Asary may be present. The procedure is that as soon as I suspend the Standing Order I have to put Section by Section to the vote of the House. It may be considered by the House whether in the absence of the honourable member who was co-opted to represent the community, the Sections should be passed without having his point of view presented. But it may not be necessary that the Bill should be referred to a Select Committee for further discussion. Nevertheless the further consideration might be adjourned to the next session. When each Section comes up for vote Mr. Velu Asary or any other member of the community may have his say. That is a matter which may be considered. Therefore I would like to have the advice of the House on this matter.

Mr. M. Govindan : I am sure every body will be agreeable to the suggestion that the Standing Order may be suspended and the further consideration of the Bill be adjourned to the next session

Mr. G. Ravi Varma : I also support the view that the further consideration of the Bill may be postponed to the next session. Moreover there is the fact that the members of the House have not got the Select Committee report which was referred to by the honourable member Mr. Govindan. They have no idea of it. Therefore the further consideration of the Bill may be postponed to the next session.

Mr. T. M. Chidambarathanu Pillai : My view is that the reference to the Select Committee is necessary. The whole matter may be adjourned to the next session when Mr. Velu Asary may be present.

Mr. G. Neelakantan : Supposing Mr. Velu Asary does not turn up during the next session also ; I am sure he will not turn up.

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President: There is a case for the suspension of the Standing Order. There is equally another case not to press for the consideration of the Sections in the absence of Mr. Velu Asary. I would ask to move formally at this stage that the further consideration of the Bill may be adjourned to the next session of the House.

Mr. G. Ravi Varma: Sir, I move that the further consideration of the Bill may be postponed to the next session of the House.

Mr. G. Narayana Aiyar: I second it.

The motion was put and carried.

Mr. M. Govindan: Sir, may I point out one thing? Supposing, as Mr. Neelakantan pointed out, Mr. Velu Asary does not turn up at the next session of the House also.

President: Somebody else from that community will be represented. Government will nominate somebody else.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Mr. Paul A. Thaliath: Sir, I move the following resolution :—

"This Council recommends to Government that Advisory Committees be constituted with non-official majorities for the Departments of Medicine, Education, Police and Agriculture".

Sir, my object in moving this resolution is to see that non-officials are more and more associated with the administration of the State. In my opinion two things can be achieved by such association. The Departmental Heads will be able to get the advice of the non-officials when especially policies affecting the public are brought in. They can shape their policy accordingly with the advice of the members of the Advisory Committee. On the other hand, the non-officials can get some practical experience and insight into the working of the department concerned, which may be of some use when any constitutional reform is introduced in this State afterwards. Some of the departments have already got advisory committees. Very recently Government have instituted a committee for the Medical Department, one of the departments mentioned in my resolution. My submission is that Advisory Committees may be appointed for the other departments also. With these few remarks I request the House to consider my resolution and pass it.

Mr. K. C. Chandy: I second it.

Rajyasevapravina G. Parameswaran Pillai: The association of non official members with important branches of administration is a principle which was already received wide recognition on the part of Government. Some of the Committees constituted by Government are composed of members of the Legislature while others are mixed Committees consisting of non-official

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